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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,662	01/23/2001	Algird M. Gudaitis	10002207-1	3784

7590 02/09/2006

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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/768,662	Applicant(s) GUDAITIS, ALGIRD M.	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see response, filed 07/13/05, with respect to Claims 1-21 have been fully considered and are persuasive. The rejection of Claims 1-21 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8,12-14,17,19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Christie, Jr. et al (US 4,003,660).

For claim 1, which is representative of claims 5,12,17, and 19, Christie, Jr. teaches a system for color measurement for a color hard copy apparatus, having a print media transport path, comprising: an illumination source adjacent to said path; a plurality of photodetectors adjacent to said path; and test strips each of a single color formed on a sheet of media traveling said path, each strip having a geometric configuration such that each of said photodetectors detects substantially discrete regions of that strip (Col 5 Lines 20-24,31-33,59-60,64-68; Fig 1).

For claim 2, which is representative of claim 6, Christie, Jr. teaches said photodetectors having predetermined spectral responses (Col 6 Lines 26-29).

For claim 3, which is representative of claim 7, Christie, Jr. teaches wherein the illumination source is broadband (Col 5 Lines 51-59).

For claim 4, which is representative of claim 8, Christie, Jr. teaches a white calibration target mounted within the field of view of all of said sensors (Col 5 Lines 26-31).

For claim 13, Christie, Jr. discloses an illumination source positioned to project incident light to illuminate each test strip as that test strip passes within view of the sensor array (Col 5 Lines 51-59; Fig 1).

For claim 14, which is representative of claim 20, Christie, Jr. teaches wherein each sensor comprises a photodetector operable to measure a spectral characteristic of each test strip as the test strip passes within view of the sensor array is a photo (Col 6 Lines 26-37).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie, Jr et al (US 4,003,660) in view of Hubble, III et al (US 6,384,918).

Christie, Jr discloses the method as discussed above.

Christie, Jr does not disclose expressly storing data representative of color characteristics.

Hubble discloses storing data representative of color characteristics (Col 13 Lines 49-57).

Christie, Jr and Hubble, III are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hubble with Christie, Jr.

The suggestion/motivation for doing so would have been to store data.

Therefore, it would have been obvious to combine Christie, Jr with Hubble to obtain the invention as specified in claim 9.

For claim 10, Hubble teaches comprising the steps of printing a plurality of intended colors in addition to said first color with said device, and repeating steps a)-c) for each of the plurality of intended colors than said first color (Col 4 Lines 45-57).

For claim 11, Hubble teaches comprising the further steps of: prior to steps a)-c), calibrating each of said sensors using a white calibration target (Col 18 Lines 23-27).

### ***Allowable Subject Matter***

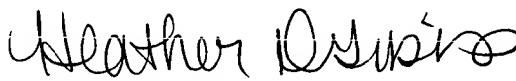
6. Claims 15-16,18,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2627

Hdg

